

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

CALLI L. HISEY, an individual; and CALLI
HISEY LAW OFFICES PC, a Washington
corporation,

Plaintiffs,

vs.

KELLY ELLIS, an individual; INNOVATIVE
DATA SEARCH LLC dba
www.bankruptreport.com, a Delaware
corporation; ENOM, LLC, a Washington
corporation; PRIVACY PROTECTION
SERVICE INC d/b/a PrivacyProtect.org;
GOOGLE INC.; a Delaware corporation,
YAHOO! INC., a Delaware corporation;
MICROSOFT CORPORATION, a Washington
corporation; and JANE DOES and JOHN
DOES 1-10, inclusive,

Defendants.

No. 3:17-CV-05543-JRC

**PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

COMES NOW, Plaintiffs, CALLI L. HISEY and CALLI HISEY LAW OFFICES PC
(hereinafter "Plaintiffs"), and moves the Court pursuant to FRCP 65 for a Temporary Restraining
Order and Preliminary Injunction to prevent Defendants KELLY ELLIS, INNOVATIVE DATA

MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

p. 1 of 18

CALLI HISEY LAW OFFICES PC
1104 Main St., Suite 212
Vancouver, WA 98660
p: 360.695.0365
e: calli@callihiseylawoffices.com



1 SEARCH LLC dba www.bankruptreport.com, ENOM, LLC, PRIVACY PROTECTION
2 SERVICE INC d/b/a PrivacyProtect.org, GOOGLE INC., YAHOO! INC., and MICROSOFT
3 CORPORATION (hereinafter "Defendants") from further using Plaintiffs' name and likeness to
4 publish, or facilitate publishing or providing a platform for the publishing of libelous, misleading,
5 false information and personal identification information about Plaintiffs, and from further
6 infringing on Plaintiffs' trademarks. Plaintiffs further move the Court for a Temporary Restraining
7 Order and Preliminary Injunction to prevent Defendant KELLY ELLIS from further stalking and
8 harassing Plaintiffs in contravention with Federal law.
9

10 This Motion is based on FRCP 65, the Memorandum attached hereto, the exhibits
11 attached hereto, the pleadings on file herein and on any oral argument which may be allowed at
12 the time of the hearing on this matter.

13 **NOTICE OF MOTION**

14 TO: KELLY ELLIS
15 TO: INNOVATIVE DATA SEARCH LLC dba www.bankruptreport.com
16 TO: ENOM, LLC
17 TO: PRIVACY PROTECTION SERVICE INC d/b/a PrivacyProtect.org
18 TO: GOOGLE INC.
19 TO: YAHOO! INC.
20 TO: MICROSOFT CORPORATION

21 PLEASE TAKE NOTICE that Plaintiffs' Motion for Temporary Restraining Order
22 will come on for hearing before the above-entitled court on the 18th day of July, 2017 at
23 _____ a.m./p.m.

24 Dated, this 19th day of July, 2017.

25 

CALLI HISEY

I. FACTUAL BACKGROUND

Plaintiffs filed a Verified Complaint against Defendants with the United States District Court for the Western District of Washington on November 17, 2017 alleging, among other things, several causes of action that rise to defamation of character, invasion of privacy, tortious interference with business, trademark infringement and illegal cybersquatting¹. Plaintiffs Causes of Action are as follows:

- 1) Cybersquatting (15 U.S.C. § 1125 (D))
- 2) Trademark Infringement (15 U.S.C. § 1125)
- 3) Defamation Per Se
- 4) Defamation (Trade Libel)
- 5) Invasion of Privacy (False Light)
- 6) Invasion of Privacy (Public Disclosure Of Private Facts)
- 7) Tortious Interference With Business Expectancy
- 8) Tortious Interference With Contract
- 9) Violation of Washington Personality Rights Act (Wash. Rev. Code Ann. § 63.60)
- 10) Intentional Infliction Of Emotional Outrage
- 11) Negligent Infliction Of Emotional Distress

Plaintiff CALLI L. HISEY (hereinafter “Ms. Hisey”) is an attorney in Vancouver, Washington, and Plaintiff CALLI HISEY LAW OFFICES PC (hereinafter “CHLO”) is Ms. Hisey’s own law firm. Defendant KELLY ELLIS is an opposing party, and is owner/operator of the website www.bankruptreport.com which amounts to an illegal extortion ring. He also

¹ Plaintiffs’ causes of action, facts and claims are spelled out in greater detail in Plaintiffs’ Verified Complaint filed with the Court on July 17, 2017.

1 purchased the URL www.callihisey.com and owns and administers that website. All other
2 defendants have facilitated and furthered KELLY ELLIS' extortion ring, and otherwise
3 defamatory statements and outrageous behavior, and are included in this lawsuit based on their
4 involvement and furthering of his illegal conduct.

5 Defendant KELLY ELLIS' modus operandi is to post embarrassing information about
6 individuals and request money to take the information off the internet. That is the purpose behind
7 the website www.bankruptreport.com which is owned and operated by Defendant INNOVATIVE
8 DATA SEARCH LLC, which is owned and operated by KELLY ELLIS. KELLY ELLIS also
9 actively purchases domain names in other individual's names, posts embarrassing information
10 about them to the website and demands money to take the website down. KELLY ELLIS' conduct
11 is published and available to the public at large through www.google.com, www.yahoo.com,
12 www.bing.com, www.cutestat.com, [http://www.bankruptreport.com/articles/calli-hisey-attorney-](http://www.bankruptreport.com/articles/calli-hisey-attorney-arrested-for-public-urination-attacks-bankruptreport-com.html)
13 [arrested-for-public-urination-attacks-bankruptreport-com.html](http://www.bankruptreport.com/articles/calli-hisey-attorney-arrested-for-public-urination-attacks-bankruptreport-com.html),
14 <http://minify.mobi/results/callihisey.com> and other avenues not specifically addressed herein. See
15 Sealed Source Documents filed in this case on July 19, 2017 which are referenced and incorporated
16 herein by reference. Defendant ENOM registered the domain name using Ms. Hisey's name to
17 KELLY ELLIS and hosts the website. Ms. Hisey has made requests to all Defendants to remove
18 the website and defamatory information. All Defendants have refused. Google Inc. ridiculed Ms.
19 Hisey's requests for removal.
20
21

22 Ms. Hisey has never met Defendant KELLY ELLIS; he is a complete stranger who
23 lives in a different state. Nor has Ms. Hisey ever interacted with KELLY ELLIS in any sort of
24 professional manner. In fact, the only contact Ms. Hisey has ever had with KELLY ELLIS was
25 surrounding the defamatory websites he created about her. KELLY ELLIS' initial attempt to

1 extort Ms. Hisey was eventually replaced by an overwhelming obsession with Ms. Hisey and with
2 the goal of ruining her career as an attorney. KELLY ELLIS continually contacted Ms. Hisey via
3 email, text message and phone calls even after Ms. Hisey asked him to stop. Ms. Hisey obtained
4 a protection order against KELLY ELLIS on February 15, 2017 for harassment.

5 KELLY ELLIS' obsession began when Ms. Hisey asked him to remove her name from
6 his website www.bankruptreport.com, and he refused and attempted to extort her. He began his
7 extortion attempts by purchasing the Domain name: www.callihisey.com ("the website") from
8 Defendant ENOM, LLC ("ENOM"), with the hopes of embarrassing Ms. Hisey to the point where
9 she would pay him to remove the website. KELLY ELLIS published defamatory and demeaning
10 statements specifically directed at Ms. Hisey to that website from that point forward, and blasted
11 her personal information (address, date of birth, last four of SSN etc.) on both websites. See Sealed
12 Source Documents. He initially titled the website "Calli Hisey Abusive Threatening Attorney,"
13 and began the content representing he was Ms. Hisey in stating "I'm a licensed attorney with [Ms.
14 Hisey's former employer]...." KELLY ELLIS posted the name of Ms. Hisey's employer at the
15 time to the website. Ms. Hisey was fired from her job in Mid-January. See petition for protection
16 order submitted under Sealed Source Documents.
17

18 KELLY ELLIS did not stop there, and as of the date this motion is filed has updated
19 the website constantly to the point where it is now six (6) pages long. He has changed the title
20 multiple times, each time referencing Ms. Hisey and her career as an attorney. The website shows
21 up first in search results on www.yahoo.com and www.bing.com, and fourth on search results on
22 www.google.com. See search results in Sealed Source Documents. On May 24, 2017 KELLY
23 ELLIS submitted a complaint to the WSBA alleging he is a victim of harassment, and publishing
24 more defamatory statements. See Sealed Source Documents. KELLY ELLIS this time published
25

1 libelous statements to the entity granting Ms. Hisey the privilege to practice law in the state of
2 Washington. He did so with the purpose of getting Ms. Hisey's law license revoked.

3 KELLY ELLIS refuses to leave Ms. Hisey alone, and allow her to pursue her profession
4 as a legal professional. His actions are causing irreparable injury, she has been fired from her job,
5 fired by clients, ridiculed in the community, lost friends and professional relationships, and has
6 been humiliated in front of the tribunal. Ms. Hisey's career is being ruined by the acts of a
7 complete stranger to her, KELLY ELLIS.

8
9 Due to several harassing and threatening emails from KELLY ELLIS, to which Ms.
10 Hisey requested KELLY ELLIS stop contacting her, Ms. Hisey obtained a protection order against
11 him on February 15, 2017. In response to the protection order, KELLY ELLIS, stalked and
12 investigated Ms. Hisey and came across a misdemeanor charge from her past. KELLY ELLIS
13 then changed the title of the website to "Calli Hisey Attorney Arrested for Urinating/Defecating
14 in Public." That statement is not true and constitutes libel per se. KELLY ELLIS also changed
15 the title of the website he initially created about Ms. Hisey on www.bankruptreport.com to mirror
16 the title of the website. See Sealed Source Documents. Defendant PRIVACY PROTECTION
17 CORPORATION, and other websites and administrators not otherwise named herein, copied
18 KELLY ELLIS' initial posting and created a website of its own with KELLY ELLIS' initial title,
19 and that website shows up in the top ten (10) search results for Ms. Hisey on www.google.com.
20 See Sealed Source Documents.

21
22 Defendants GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION have
23 furthered KELLY ELLIS' goal of ruining Ms. Hisey's career by indexing KELLY ELLIS' pages
24 on its search results and refusing to remove the pages from its search index, despite the obvious
25 defamatory nature of both pages and in complete disregard for Ms. Hisey's rights.

1 Due to the unique and original nature of Ms. Hisey's full name, Calli Lynn Hisey, she
2 owns trademark rights to it. There is no other Calli Lynn Hisey in the world, and her name is now
3 a representation of her career and used for advertising and marketing. The same is true for her law
4 firm, Calli Hisey Law Offices PC. No other law firm with that name exists, and the firm has a
5 trademark interest in its name. KELLY ELLIS is using both of Plaintiffs' trademarks without
6 authorization or permission. And he is committing illegal cybersquatting by using Ms. Hisey's
7 name followed by the .com suffix, initially with the goal of receiving payment to take the website
8 down.
9

10 Despite Ms. Hisey's best efforts, Defendants, and each of them, have consistently and
11 continually committed defamation and privacy violations, in addition to trademark infringement
12 and cybersquatting and several other tortious acts arising therefrom against Plaintiffs through the
13 use of the world wide web and by other means, including contacting the Washington State Bar
14 Association ("WSBA"). See Plaintiffs' Verified Complaint filed July 17, 2017 for more detailed
15 information regarding Defendants' conduct alleged herein.

16 **II. LEGAL ARGUMENTS**

17 **A. LEGAL STANDARD FOR PRELIMINARY INJUNCTION**

18 A preliminary injunction is available if an applicant can show a likelihood of success
19 on the merits, a likelihood that the non-moving party's conduct, if allowed to continue, will cause
20 irreparable harm for which a compensatory damage is an inadequate remedy, the balance of
21 equities tips in their favor and that the injunction is in the public interest. *Winter v. Natural Res.*
22 *Def. Council, Inc.*, 129 S. Ct. 365, 374 (2008).
23

24 **B. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS**

25 **1. Kelly Ellis' website using Ms. Hisey's name and the .com suffix constitutes**

illegal cybersquatting.

Cybersquatting is illegal under federal law. 15 U.S.C. § 1125 (d) provides as follows:

(1)

(A) A person shall be liable in a civil action by the owner of a mark, including a personal name which is protected as a mark under this section, if, without regard to the goods or services of the parties, that person—

(i) has a bad faith intent to profit from that mark, including a personal name which is protected as a mark under this section; and

(ii) registers, traffics in, or uses a domain name that—

(I) in the case of a mark that is distinctive at the time of registration of the domain name, is identical or confusingly similar to that mark;

...

(III) is a trademark, word, or name protected by reason of section 706 of title 18 or section 220506 of title 36.

In determining whether a person has a bad faith intent described under subparagraph (A), a court may consider the trademark rights of the person in the domain name, the extent the domain name consists of the legal name of the person, the person's prior use of the domain name in offering services, the person's intent to divert consumers from the mark owner's online location to a site under the domain name that could harm the goodwill represented by the mark, either for commercial gain or with the intent to tarnish or disparage the mark etc.

Kelly Ellis registered the domain name using Ms. Hisey's legal name followed by the .com suffix with bad faith with the intent of profiting therefrom. Ms. Hisey's name is distinctive and unique, and she has a trademark interest in her name. Ms. Hisey uses her legal name to represent legal services she offers to the community, and Kelly Ellis' use of her name is with the intent of diverting consumers from Ms. Hisey's online location (via search engines or direct website) to the website to to harm Ms. Hisey, and her firm's, goodwill. KELLY ELLIS' actions violate 15

1 U.S.C. § 1125 (d), and constitute illegal cybersquatting. Therefore, Plaintiffs are highly likely to
2 succeed on the merits against Defendant Kelly Ellis.

3 **2. Kelly Ellis' use of Plaintiffs' name and business name constitute Trademark**
4 **Infringement**

5 Federal law provides a civil action for false designations of origin and false descriptions
6 (trademark infringement) under 15 U.S.C. § 1125. A person is liable for trademark infringement
7 under that statute if he used in commerce any name or any false designation of origin, false or
8 misleading description or representation of fact which is likely to cause confusion or mistake, or
9 to deceive as to origin or approval of the use. 15 U.S.C. § 1125(a)(1)(A). A person is also liable
10 if in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or
11 geographic origin of his or her or another person's goods, services, or commercial activities, 15
12 U.S.C. § 1125(a)(1)(B).

13 Defendants' are actually and intentionally misusing Plaintiffs' legal name and
14 identification in commerce, and are also misrepresenting the quality of Plaintiffs' services to the
15 public. Defendants' misuse of Plaintiffs' marks are likely to cause confusion as to the origin,
16 sponsorship and approval of the websites, and Plaintiffs are suffering damages as a result.
17 Plaintiff KELLY ELLIS actually represented himself to be Ms. Hisey.

18 Plaintiffs are entitled to injunctive relief under U.S.C. § 1125(a)(C)(1), which allows the
19 owner of a known mark that is distinctive injunctive relief if the misuse is likely to tarnish the
20 famous mark. Defendants' misuse of Plaintiffs' marks are tarnishing their reputation in the
21 community, and amongst friends and peers. Therefore, based on U.S.C. § 1125, Plaintiffs are
22 highly likely to succeed on the merits against Defendants.

23 ///
24
25

1 **3. Kelly Ellis' Statements Constitute Defamation Per Se**

2 In Washington, a statement constitutes defamation per se if the statement exposes someone
3 to hatred, contempt, ridicule or obloquy, or injures him in his business, trade, profession or office.
4 *Life Designs Ranch, Inc. v. Sommer*, 364 P.3d 129, 191 Wn.App. 320 (Wash.App Div. 3 2015).
5 Defendants are committing defamation per se.

6 As explained above, Defendants are publishing statements about Plaintiffs, including that
7 Ms. Hisey "defecated" in public, based on which Plaintiffs are receiving continued ridicule and
8 contempt from friends, family, peer and colleagues. Moreover, Defendants are publishing
9 statements regarding Ms. Hisey's past financial misfortune, again subjecting her to ridicule and
10 contempt in the community. On this cause of action alone, Plaintiffs are likely to succeed on the
11 merits. The first statement imputes the violation of a crime, as well as impedes both Plaintiffs'
12 business. The second statement imputes financial irresponsibility, subjecting Ms. Hisey to ridicule
13 and impeding both Plaintiffs' business. Plaintiffs are highly likely to succeed on the merits against
14 Defendants on those bases.

15 **4. Defendants Actions Constitute Invasion of Privacy**

16 As discussed above, Defendants caused to be published personal and private information,
17 depicting the name and likeness of Plaintiff Calli Hisey along with disparaging statements
18 coinciding with that private information. In Washington, a person's right of privacy is violated "if
19 disclosure of information about the person: (1) Would be highly offensive to a reasonable person;
20 and (2) is not of legitimate concern to the public." RCW 42.56.050. Defendants' actions are
21 highly offensive in that they reference lewd and inappropriate behavior, and any reasonable person
22 would agree. Moreover, the information Defendants are publishing is not of legitimate public
23 concern. Therefore, Plaintiffs are highly likely to succeed on the merits against Defendants for
24 concern. Therefore, Plaintiffs are highly likely to succeed on the merits against Defendants for
25

1 invasion of privacy.

2 **5. Defendants Google Inc., Yahoo! Inc., Microsoft Corporation, Enom Inc. and**
3 **Privacy Protection Services Facilitated and Published all Alleged Statements**

4 With regard to all allegations related to torts committed against Plaintiffs over the internet,
5 Defendants are facilitating, publishing and neglecting to mitigate the defamatory and harassing
6 statements and comments Defendant KELLY ELLIS is publishing. In addition, Defendants are
7 failing to mitigate a serious privacy concern by removing personal identification information about
8 Plaintiff Calli Hisey from search indexes. As discussed, Plaintiffs are likely to succeed on the
9 merits against the other Defendants, and, therefore, Plaintiffs are likely to succeed on the merits
10 against Defendants Google Inc., Yahoo! Inc., Microsoft Corporation, Enom Inc. and Privacy
11 Protection Services given that all alleged statements are being made available to the public at large
12 by each of these Defendants.

13 **6. Defendants' Actions Have Interfered with Plaintiffs' Existing Business and**
14 **Business Expectancy**

15 In Washington, tortious interference with existing business contracts and expectancy
16 requires a business contract with the probability of future economic benefit at the time the conduct
17 at issue took place, and that the defendant knew of the contract/expectancy, intentionally caused
18 the termination of the contract/expectancy and that conduct was the proximate cause of the
19 damage. Defendants are posting and facilitating the posting of a website defaming Plaintiffs and
20 Ms. Hisey's former employer. Ms. Hisey was employed at the time this conduct began, and each
21 Defendant knew, or should have known about that contract. Each Defendant should also have
22 known that Ms. Hisey has a business expectancy in seeking and gaining clients from internet
23 searches, and direct searches for her name. KELLY ELLIS' conduct was intentional and for the
24 purpose of extortion and ruining Plaintiffs' career; an improper purpose. All other Defendants
25

1 intentionally refused to mitigate the damages Ms. Hisey was suffering, and Defendant GOOGLE
2 INC. intentionally mocked Ms. Hisey's order of protection and refused to de-index on that basis.
3 Defendants actions caused Ms. Hisey to actually lose her job. Clients are also firing her due to the
4 websites, and she is losing attorney referrals. Therefore, Plaintiffs are highly likely to succeed on
5 the merits against Defendants.

6
7 **7. Defendants' Actions Violate the Washington Personality Rights Act**

8 Under the WPRA, RCW 63.60.010, every individual has a property right in the use of his
9 or her name and likeness. The WRPA applies to all individuals. RCW 63.60.010. Use for profit
10 is not necessary, it need only be a use entered into commerce. RCW 63.60.050. Defendants are
11 using Plaintiffs' name and likeness without Plaintiffs' consent and posting, or allowing the
12 publishing, defamatory content associated with Plaintiffs' name and likeness to the internet, thus
13 entering it into commerce. As a result, Plaintiffs are losing credibility in the eyes of potential
14 clients, current client and colleagues, which has is affecting Plaintiffs' ability to conduct business.
15 The privacy interests of Plaintiffs outweigh any public interest that may be served by Defendants'
16 use of Plaintiffs' name and likeness. The Court has authority to grant injunctive relief under RCW
17 63.60.060 to prevent or restrain unauthorized use of the rights in an individual's name and likeness.
18 Plaintiffs are highly likely to succeed on the merits against Defendants.

19
20 **8. Defendants Actions Caused Ms. Hisey Severe Emotional Distress**

21 In Washington, a person has committed intentional infliction of emotional outrage if that
22 person intentionally or recklessly cause emotional distress to another by extreme and outrageous
23 conduct. Defendants are engaging in extreme and outrageous conduct by intentionally obtaining,
24 administering and maintaining the domain name www.callihisey.com, creating websites about
25 Plaintiffs, publishing defamatory statements to the internet and websites, reporting Plaintiffs to the

1 WSBA, harassing and stalking Plaintiffs, ridiculing Plaintiffs attempts to defend herself and all
2 other conduct alleged herein with the intention of causing emotional harm to Plaintiff.

3 Defendants' extreme and outrageous conduct is intentionally and recklessly committed
4 with intent to deliberately inflict humiliation, mental anguish, and emotional and physical distress
5 upon Plaintiff, and is being done with wanton and reckless disregard of such consequences to
6 Plaintiff. Plaintiff is suffering from humiliation, mental anguish, and emotional and physical
7 distress, and is experiencing great mental, physical, and nervous pain and suffering. Moreover,
8 Defendants were negligent in breaching their duty of care to Plaintiffs by committing the acts
9 complained of herein by ignoring Plaintiffs' requests to remove the defamatory information from
10 the internet, and reproducing the defamatory information. For these reasons, Plaintiffs are highly
11 likely to succeed on the merits against Defendants.
12

13 **C. PLAINTIFFS ARE BEING IRREPARABLY DAMAGED BY DEFENDANTS'**
14 **ACTIONS**

15 Defendants have, and upon information and belief, will continue to use Defendants'
16 internet sites to publish false and defamatory statements about Plaintiffs. Plaintiff, who is an
17 attorney in the State of Washington runs and operates a law firm in the State, also named a Plaintiff
18 in this lawsuit. Much of Plaintiffs' business is dependent on the public's view of Plaintiffs' moral
19 character, reliability, financial responsibility and reputation. Defendants' actions have already,
20 and will likely continue to demean and diminish Plaintiffs' reputation in the legal community as
21 well as with Plaintiffs' personal social community. Without the issuance of an injunction,
22 Defendants will continue to have free reign to defame and diminish Plaintiff's reputation.
23 Especially with the institution of the present lawsuit, Plaintiffs will continue to be irreparably
24 harmed both personally and professionally. Therefore, the issuance of an injunction is proper.
25

CONCLUSION

Based on the Memorandum above, and the attached exhibits Plaintiffs have shown that they are entitled to a preliminary injunction preventing Defendants from further using Plaintiffs' name and likeness to publish, or facilitate the publishing and distribution of defamatory, libelous, misleading and false information about Plaintiffs and preventing Defendants from further stalking and harassing Plaintiffs.

Dated, this 19th day of July, 2017.



CALLI L. HISEY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
84

[illegible]

CALLI L. HISEY, having been first duly sworn, deposes and says:

1. I filed a Complaint against Defendants with the Court on July 17, 2017 alleging, among other things, several causes of action that rise to defamation of character including: cybersquatting, trademark infringement, defamation per se, defamation (trade libel), invasion of privacy, tortious interference with business, violation of the Washington Personality Act, intentional infliction of emotional distress and negligent infliction of emotional distress.
2. I am an attorney and I own my own law practice, the second Plaintiff to this lawsuit, Calli Hisey Law Offices PC.
3. I do not know and have never met Defendant Kelly Ellis; he is a complete stranger to me. The only contact I have ever had with him has been requesting he remove websites he has created about me.
4. Nevertheless, Defendant Kelly Ellis has consistently and continually committed defamation and privacy violations in addition to several other purposeful tortious acts against me through the use of the world wide web and by other means.
5. I have a protection order against Defendant Kelly Ellis issued by the Clark County District Court, Case No. 17H000004 on February 15, 2017, and it is enforceable for one (1) year.
6. Defendant Kelly Ellis, through his company Defendant Innovative Data Search posted my information to his website www.bankruptreport.com and created a page about me.

1 Defendant Kelly Ellis was a complete stranger to me at that time.

2 7. On December 16, 2016 I emailed Defendant Innovative Data Search requesting it remove
3 the webpage it created about me. Defendant Kelly Ellis responded threatening me.

4 8. On or about December 20, 2016, Defendant Kelly Ellis purchased the domain name
5 www.callihisey.com from Defendant ENOM, LLC and created a defamatory website
6 about me containing libelous and demeaning statements specifically directed at me which
7 he titled "Calli Hisey Abusive Threatening Attorney" and represented himself to be me
8 and that the page was created by me.

9 9. After Defendant Kelly Ellis was served with my first temporary protection order he
10 stalked me and investigated my background, and he found a misdemeanor charge I have
11 on my record.

12 10. On or about January 25, 2017, Defendant Kelly Ellis changed the title of the website to
13 "Calli Hisey Attorney Arrested for Urinating/Defecating In Public."

14 11. Defendant Kelly Ellis has updated the website repeatedly and it is six (6) pages long the
15 day this motion is being filed.

16 12. Defendant Kelly Ellis has continually contacted me via email (through other companies
17 he owns), via text and he called my personal cell phone, despite my requests for him to
18 stop contacting me and the valid protection order I have against him.

19 13. All websites created about me by Defendant Kelly Ellis show up in my search results on
20 www.google.com (4th result), www.yahoo.com (1st result) and www.bing.com (1st result).

21 14. Defendant Kelly Ellis filed a bar complaint against me on May 24, 2017 with libelous
22 and defamatory statements about me, and the WSBA dismissed his complaint without
23 investigation.
24
25

1 15. Defendant ENOM, LLC sold the domain name www.callihisey.com to Defendant Kelly
2 Ellis and administers the domain name.

3 16. Defendants GOOGLE INC., YAHOO! INC. and MICROSOFT CORPORATION have
4 indexed all defamatory websites created by me and have refused to remove the websites
5 from their search engines. GOOGLE INC. once ridiculed my protection order in a
6 response stating "this does not appear to be a valid legal process."

7 17. Defendant PRIVACY PROTECTION CORPORATION owns and administers
8 www.cutestat.com which copied Defendant Kelly Ellis' defamatory website and made its
9 own website about me containing the libelous statements, which shows up in the top ten
10 (10) search results for my name.

11 18. Defendant Kelly Ellis created these websites to extort me in that I would pay him to take
12 down the websites. When I refused, Kelly Ellis pursued the websites and updated the
13 content with the sole intent of getting my law license revoked and ruining my reputation
14 in the community.

15 19. I have not filed for injunctive relief since the conduct at issue began because I first
16 attempted a protection order in Washington State Court in hopes to get the website
17 removed, I then hired a reputation management company. I next hired a private
18 investigator, and I hired an attorney to pursue this action. None of the processes
19 attempted resolved this case for me. None of the professionals hired pursued this case for
20 me, and I am now pursuing this on my own as a pro se party seeking to salvage my
21 reputation from this point forward.

22 Further affiant sayeth naught.
23
24

25 ///

Executed on:

7/19/2017


CALLI L. HISEY

CERTIFICATE OF SERVICE

I, Calli L. Hisey, certify that I served the foregoing document by the method, on the date, and on each attorney(s) and/or person(s) identified below.

Method of Service:

_____ By mailing by **first class mail** a full, true and correct copy of the document in a sealed, postage prepaid envelope, addressed to each party or attorney shown below, to the last known address of each party or attorney, and deposited with the United States Post Office in Vancouver, Washington on the date set forth below.

X_____ By causing a full, true and correct copy thereof to be **hand delivered by courier** to the party or attorney shown below, to the last known address on the date set forth below.

_____ By sending a full, true and correct copy thereof via **courier** in a sealed, prepaid envelope, addressed to the party or attorney as shown below on the date set forth below.

X_____ By **faxing/emailing** a full, true and correct copy thereof to the party or attorney at the fax number shown below, which is the last known fax number for the party or attorney on the date set forth below. The receiving fax machine was operating at the time of service, and the transmission was properly completed, according to the attached confirmation report.

Person or Persons Served:

Hand Delivered by Courier and sent via Email

KELLY ELLIS
12010 Old 66
Carthage, MO 64836

INNOVATIVE DATA SEARCH LLC
c/o HARVARD BUSINESS SERVICES, INC.
16192 Coastal Hwy
Lewes, DE 19958

Hand Delivered by Courier

ENOM, LLC
c/o PAUL KARKAS
5808 Lake Washington Blvd. NE
Kirkland, WA 98033

///

///

///

1
2 GOOGLE INC.
3 c/o CORPORATION SERVICE COMPANY
4 300 Deschutes Way SW, Ste. 304
5 Tumwater, WA 98501

6
7 YAHOO! INC.
8 c/o CT CORPORATION SYSTEM
9 711 Capitol Way, Ste. 204
10 Olympia, WA 98501-1267

11
12 MICROSOFT CORPORATION
13 c/o CORPORATION SERVICE COMPANY
14 300 Deschutes Way SW, Ste. 304
15 Tumwater, WA 98501

16
17 DATED this 19th day of July, 2017

18
19
20
21
22
23
24
25


CALLI L. HISEY

1
2
3
4
5
6
7
8
9 **UNITED STATES DISTRICT COURT**
10 **FOR THE WESTERN DISTRICT OF WASHINGTON**

11 CALLI L. HISEY, an individual; and CALLI
12 HISEY LAW OFFICES PC, a Washington
corporation,

13 Plaintiffs,

14 vs.

15 KELLY ELLIS, an individual; INNOVATIVE
DATA SEARCH LLC dba
16 www.bankruptreport.com, a Delaware
corporation; ENOM, LLC, a Washington
corporation; PRIVACY PROTECTION
17 SERVICE INC d/b/a PrivacyProtect.org;
GOOGLE INC.; a Delaware corporation,
18 YAHOO! INC., a Delaware corporation;
MICROSOFT CORPORATION, a Washington
19 corporation; and JANE DOES and JOHN
DOES 1-10, inclusive,
20

21 Defendants.

No. 3:17-CV-05543-JRC

ORDER GRANTING PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER

22 THIS MATTER, having come before the Court on Plaintiffs' Motion for Temporary
23 Restraining Order and Preliminary Injunction; and the Court having been fully advised in the
24 premises, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:
25

1 1. Plaintiffs' Motion for Temporary Restraining Order is **GRANTED**; Plaintiffs' are
2 likely to proceed on the merits, some, or all, of all claims set forth in their Verified Complaint filed
3 July 18, 2017 and immediate and irreparable injury, loss, or damage will result to Plaintiffs unless
4 Defendants' are enjoined pursuant to Court Order as follows:
5

- 6 1. Defendants are ordered to stop posting and broadcasting false, defamatory and malicious
7 information about and depiction of the Plaintiffs' name, professional career and business.
8 2. Defendants are ordered to deindex the following websites from appearing in search
9 results for Plaintiffs: www.callihisey.com, <https://callihisey.com.cutestat.com/>,
10 [http://www.bankruptreport.com/articles/calli-hisey-attorney-arrested-for-public-](http://www.bankruptreport.com/articles/calli-hisey-attorney-arrested-for-public-urination-attacks-bankruptreport-com.html)
11 [urination-attacks-bankruptreport-com.html](http://www.bankruptreport.com/articles/calli-hisey-attorney-arrested-for-public-urination-attacks-bankruptreport-com.html), <http://minify.mobi/results/callihisey.com>.
12 3. Defendants are ordered to take down the following websites: www.callihisey.com,
13 <https://callihisey.com.cutestat.com/>, [http://www.bankruptreport.com/articles/calli-hisey-](http://www.bankruptreport.com/articles/calli-hisey-attorney-arrested-for-public-urination-attacks-bankruptreport-com.html)
14 [attorney-arrested-for-public-urination-attacks-bankruptreport-com.html](http://www.bankruptreport.com/articles/calli-hisey-attorney-arrested-for-public-urination-attacks-bankruptreport-com.html),
15 <http://minify.mobi/results/callihisey.com>.
16 4. Defendants are ordered to stop using Plaintiffs' trademarks in Calli Hisey, Calli L. Hisey,
17 Calli Lynn Hisey, and Calli Hisey Law Offices PC in any way via online platforms or
18 avenues otherwise.
19

20 **Ordered.**

21 _____
22 *Date*

23  _____
24 *UNITED STATES MAGISTRATE JUDGE*

25 Dated, this 19th day of July, 2017.

Presented by:



CALLI L. HISEY

CERTIFICATE OF SERVICE

I, Calli L. Hisey, certify that I served the foregoing document by the method, on the date, and on each attorney(s) and/or person(s) identified below.

Method of Service:

_____ By mailing by **first class mail** a full, true and correct copy of the document in a sealed, postage prepaid envelope, addressed to each party or attorney shown below, to the last known address of each party or attorney, and deposited with the United States Post Office in Vancouver, Washington on the date set forth below.

X_____ By causing a full, true and correct copy thereof to be **hand delivered by courier** to the party or attorney shown below, to the last known address on the date set forth below.

_____ By sending a full, true and correct copy thereof via **courier** in a sealed, prepaid envelope, addressed to the party or attorney as shown below on the date set forth below.

X_____ By **faxing/emailing** a full, true and correct copy thereof to the party or attorney at the fax number shown below, which is the last known fax number for the party or attorney on the date set forth below. The receiving fax machine was operating at the time of service, and the transmission was properly completed, according to the attached confirmation report.

Person or Persons Served:

Hand Delivered by Courier and sent via Email

KELLY ELLIS
12010 Old 66
Carthage, MO 64836

INNOVATIVE DATA SEARCH LLC
c/o HARVARD BUSINESS SERVICES, INC.
16192 Coastal Hwy
Lewes, DE 19958

Hand Delivered by Courier

ENOM, LLC
c/o PAUL KARKAS
5808 Lake Washington Blvd. NE
Kirkland, WA 98033

///

///

///

1
2 GOOGLE INC.
3 c/o CORPORATION SERVICE COMPANY
4 300 Deschutes Way SW, Ste. 304
5 Tumwater, WA 98501

6
7 YAHOO! INC.
8 c/o CT CORPORATION SYSTEM
9 711 Capitol Way, Ste. 204
10 Olympia, WA 98501-1267

11
12 MICROSOFT CORPORATION
13 c/o CORPORATION SERVICE COMPANY
14 300 Deschutes Way SW, Ste. 304
15 Tumwater, WA 98501

16
17 DATED this 19th day of July, 2017

18
19
20
21
22
23
24
25


CALLI L. HISEY